



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: DECEMBER 1, 2020
FROM: CITY ATTORNEY WARDS: ALL
SUBJECT: OUTSIDE COUNSEL EXPENDITURE REPORT

ISSUE:

The issue for City Council consideration is the Outside Counsel Expenditure Report for the period of July 1, 2020 through September 30, 2020, as provided in the outside counsel policy approved by City Council on June 16, 2015.

RECOMMENDATIONS:

That the City Council receives and files the attached report.

BACKGROUND:

In the continuing effort of transparency and accountability, City Council approved the City Attorney's recommendation of quarterly reporting of the outside counsel expenditures. This report includes the current spending for the prior quarter and the cumulative spending from inception of the matter grouped by law firm name. All closed matters are highlighted and will not be included in the next report. It should be noted that bond counsel and contingency payments are not paid through the City's accounts payable division and therefore must be manually added to information derived from the City's accounting system. In the case of bond counsel payments, the payments are typically made directly by the bond trustee from bond proceeds. In the case of contingency payments, the payments are typically deducted from the funds received prior to deposit by the City.

FISCAL IMPACT:

There is no fiscal impact at this time.

Prepared by: Kristi J. Smith, Interim City Attorney

Attachment: Outside Counsel Expenditure Report

**OUTSIDE COUNSEL EXPENDITURE REPORT
THROUGH SEPTEMBER 30, 2020**

LAW FIRM	MATTER/CASE NAME	BRIEF DESCRIPTION			EXPENDITURES		BALANCE
			Funding Source	Authorized Spending Limit	7/1/20 - 9/30/2020	TOTAL AS OF 9/30/20	
ALSTON BIRD							
	<i>Public Watchdogs v CA State Lands Commission</i>	CEQA Lawsuit	520	5,000	1,774	1,774	3,226
	<i>Samuel Lawrence Foundation v Coastal Commission #1</i>	Re Songs	520	5,370	1,314	1,314	4,056
	<i>Samuel Lawrence Foundation v Coastal Commission #2</i>	Re Songs	520	2,148	100	100	2,048
	<i>Public Watchdogs v CA State Lands Commission</i>	Appeal	520	3,580	-	-	3,580
Subtotal					3,188		
BAKER HOSTETLER							
	<i>Cyber Security Breach</i>	Prevention/Advice	510	20,000	-	2,375	17,625
	<i>Business Tax Security</i>	Prevention/Advice	630	4,000	-	1,838	2,162
Subtotal							
BEST BEST KRIEGER							
	<i>General Advice</i>	Miscellaneous	101	25,000	-	14,987	10,013
	<i>General Advice</i>	RPU	101	13,000	-	5,918	7,082
	<i>RTRP/CPUC</i>	Advice	510	16,455	-	8,326	8,129
	<i>City v DOF</i>	Anticipated litigation	630	65,000	-	60,085	4,915
	<i>Riverwalk CSD Foreclosure</i>	Collection	101	10,000	-	2,645	7,355
	<i>Gage Canal</i>	Advisory	101	20,000	-	17,548	2,452
	<i>General Advice</i>	HR/401(a) Advisory	101	45,000	5,450	26,457	18,543
	<i>Live Nation/Fox Theatre</i>	Advisory	101	5,000		-	5,000
	<i>Ice Energy</i>	Bankruptcy		12,000	112	4,080	7,920
	<i>Riverside Community Hospital</i>	Tax Matter	101	1,500	-	1,500	-
Subtotal					5,562		

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BUCHALTER							
	<i>SCE/CPC Application[1]</i>	RTRP	520	450,000	8,895	424,625	25,375
	<i>CPUC Rulemaking</i>	PSPS	520	60,000	665	26,678	33,322
Subtotal					9,560		
BLAISDELL, CHURCH & JOHNSON							
	<i>Bond Counsel*</i>	IPP Generation Plant	510	5,000		1,000	4,000
Subtotal							
BURKE WILLIAMS & SORENSEN	<i>Friends of Riverside Airport v City *</i>	Ag Park Litigation	630	1,550,000	217,807	525,254	1,024,746
Subtotal					217,807		
CHAPMAN AND CUTLER							
	<i>Bond Counsel*</i>						
CONSTANTINE CANNON							
	<i>State of California et al. ex rel. [Under Seal] v [Under Seal]</i>	Litigation re wireless cell service/contingency		-		-	-
Subtotal							
COTCHETT PITRE & McCARTHY							
	<i>Bond Derivative Litigation</i>	Contingency*		-		-	-

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COLANTUONO HIGSMITH & WHATLEY							
	<i>General matters</i>	Prop 218 and conflicts advice	520	40,400	175	36,879	3,521
	<i>General Advice</i>	CAO	101	15,000		13,771	1,229
	<i>General/RPU</i>	Electric & Water Cost Service Study	520	25,000		65	24,935
	<i>General Advice</i>	Solid Waste	101	15,000	1,330	1,330	13,670
	<i>Parada II v City</i>	GFT Challenge/Litigation	101	162,500	2,307	152,478	10,022
	<i>Bailey, William R. v City***</i>	Litigation Initiated by Mayor	101	338,000	10,110	337,519	481
	<i>Clymer, R. Ben v City</i>	Challenge to Russo Contract	101	155,000	1,926	147,738	7,262
	<i>Nunez, J. v City</i>	Claim	101	25,000		1,902	23,098
	<i>Carl Pongs v City</i>	Water Rate Challenge	520	100,000	6,915	17,430	82,570
	<i>Simpson v City</i>	Water GFT Challenge	520	60,000	12,887	29,308	30,692
Subtotal					35,650		
ELLISON SCHNEIDER							
	<i>1969 Judgment*</i>	Bunker Hill Basin	510	30,000	-	12,249	17,751
Subtotal							
GIBBS GIDEN							
	<i>General Public Contracting</i>	Advisory	101	7,500	-	2,883	4,617
	<i>Convention Center/Fox</i>	Force Majeure Review	101	15,000	11,839	11,839	3,161
Subtotal					11,839		

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GREINES MARTIN STEIN & RICHLAND							
	<i>Clymer v City**</i>	Challenge to Russo Contract	630	141,338	737	136,057	5,281
	<i>Easley, Michael v. City</i>	Federal civil rights action	630	137,695	-	117,736	19,959
	<i>Nichols, Raymond v City**</i>	Federal civil rights action	630	107,455	-	102,982	4,473
	<i>Burtis v City*</i>	Appellate advice	630	17,500	30	14,643	2,857
	<i>Louis, Jean-Louis v City</i>	Appellate advice	630	15,000	-	9,748	5,252
Subtotal					767		
JONES HALL							
	<i>Bond Counsel*</i>	SIFMA		40,000		-	40,000
	<i>Bond Counsel*</i>	Electric and Water Bonds 2018		45,000		-	45,000
	<i>Bond Counsel*</i>	2019 Electric & Water Bonds		90,000		-	90,000
Subtotal							
LEWIS BRISBOIS BISGAARD & SMITH							
	<i>Easley, Michael v City</i>	Civil rights litigation	630	406,500	3,548	367,814	38,686
	<i>Friends of Riverside Airport v Dept of the Army*</i>	CEQA Litigation/Environmental	630	1,700,138	255,561	371,044	1,329,094
Subtotal					259,109		

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LIEBERT CASSIDY WHITMORE							
	<i>General Advice</i>	Misc	101	1,000	-	447	553
Subtotal							
MILLER AXLINE & SAWYER							
	<i>TCP Contaminataion</i>	Advisory/contingency*					
	<i>City v Black & Decker (U.S), Inc.</i>	Perchlorate litigation/contingency*					
MURPHY & EVERTZ							
	<i>SBCTA v City</i>	Condemnation		150,000	-	13,413	86,587
Subtotal							
SMITH LAW OFFICES							
	<i>Clymer v City</i>	Challenge to Russo Contract	630	75,000	200	18,376	18,576
	<i>Louis, Jean-Louis v City</i>	Civil rights litigation	630	176,000		16,810	159,190
	<i>Nichols, Raymond v City</i>	Civil rights litigation	630	120,000		49,809	70,191
	<i>Wilder, S. v City</i>	Suit for Wrongful Termination	630	100,000	6,660	13,420	86,580
Subtotal					6,860		

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STRADLING YOCCA CARLSON & RAUTH							
	<i>Bond Counsel</i>	2006 Lease Revenue (Galleria)		55,000		-	55,000
	<i>Bond Counsel</i>	2018 Sewer Revenue Bonds		65,000		-	65,000
	<i>Bond Counsel</i>	2019 Electric and Water Bonds		140,000		-	140,000
	<i>Bond Counsel</i>	Debt Disclosure Reports		15,000		-	15,000
	<i>Bond Counsel</i>	CFDs and Assessment Districts		15,000		-	15,000
	<i>Bond Counsel</i>	2015A Sewer Revenue Bonds		10,000		-	10,000
Subtotal							
THINK LEGAL360							
	<i>Harris, Bobby v. City</i>	Employment Litigation	630	485,000		278,840	206,160
Subtotal							
THOMPSON COBURN							
	<i>FERC**</i>	Regulatory	510	750,000	137,350	137,350	612,650
	<i>LADWP Transmission Agreements</i>	Potential Extension	510	25,000	-	-	25,000
Subtotal					137,350		
TOTAL					687,692		

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Note: Plaintiff's Case - Outside Counsel Retained for Recovery							
BURKE WILLIAMS SORENSEN							
	City v. Jurupa/Rubidoux CSD, et al. **	Recovering contribution obligation for RWQCP project	550	4,782,326	179,170	4,459,897	322,429

Please note:

- (1) Some totals may include costs**
- (2) Items shaded in blue are closed**
- (3)*Contingency bond counsel payments are per individual bond transactions or recovery received**
- (4)**Change order**
- (5)***Litigation initiated by Mayor**

[1] Attorney's fees will be recovered from SCE